

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CLERK OF COURT
DISTRICT OF MASS.

2004 JUL 12 P 5:28

HARDEN MANUFACTURING
CORPORATION, individually and on
behalf of itself and others similarly situated,

Plaintiff,

v.

PFIZER INC. and PARKE-DAVIS,
a division of Warner-Lambert Company,

Defendants.

Civil Action No. 04-10981-PBS

FILED
CLERK'S OFFICE

**ASSENTED TO MOTION FOR ENLARGEMENT OF
TIME TO RESPOND TO CLASS ACTION COMPLAINT**

Defendants, Pfizer Inc and Parke-Davis, a division of Warner-Lambert Company (together, "Pfizer"), hereby move, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, and with the assent of Plaintiff, for an enlargement of the time within which Pfizer must answer, move, or otherwise respond to the Class Action Complaint to the date 60 days after the Judicial Panel on Multidistrict Litigation's ruling on pending motions pursuant to 28 U.S.C. § 1407 to consolidate and transfer the numerous actions arising out of the marketing of the drug Neurontin. The grounds for this motion are as follows.

1. This action is one of, at last count, 23 actions in 15 federal districts that all arise out of the marketing of Neurontin.

2. Several motions to consolidate and transfer the 23 actions pursuant to 28 U.S.C. § 1407 have been filed with the Judicial Panel on Multidistrict Litigation ("JPMDL"), which has entitled the proceedings In re Neurontin Marketing and Sales Litigation, MDL Docket No. 1629.

3. It seems likely that the JPMDL will grant one of the motions. Most of the plaintiffs have gone on record as supporting consolidation and transfer.

4. In view of the likelihood that this action will be consolidated with the other 22 and perhaps transferred, it would be a pointless and wasteful exercise for Pfizer to respond to the Class Action Complaint.

5. Indeed, were Pfizer required to respond, it would move to dismiss, which would embroil the Court in an action that probably will be consolidated with many others, probably will look very different a few months from now, and may be elsewhere, at least for the foreseeable future. An enlargement, therefore, would conserve judicial and party resources and avoid the possibility of conflicting decisions.

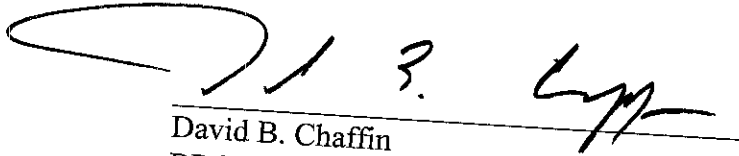
6. Plaintiff has assented to this motion.

WHEREFORE, Pfizer respectfully requests that the Court enlarge the time within which Pfizer must answer, move, or otherwise respond to the Class Action Complaint to the date 60 days after the JPMDL's ruling.

Dated: July 12, 2004

PFIZER INC and PARKE-DAVIS,
a division of Warner-Lambert Company,

By their attorneys,



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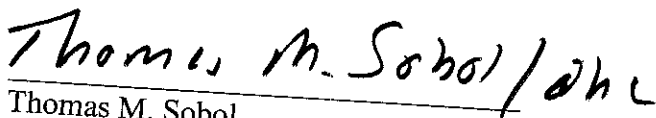
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ASSENTED TO:

HARDEN MANUFACTURING
CORPORATION,

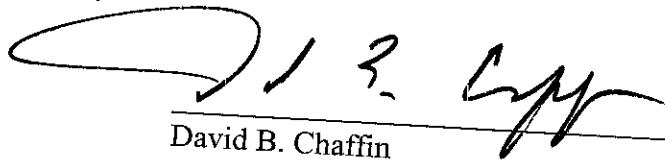
By its attorneys,



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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing document was served by mail on counsel of record for plaintiffs this 12th day of July 2004.



David B. Chaffin

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